

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT E. MARTIN,

Petitioner,

v.

BRANDON PRICE,

Respondent.

Case No. 1:24-cv-00565-EPG-HC

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF
CALIFORNIA

Petitioner Robert E. Marin has been civilly committed and is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

When a person in custody pursuant to the judgment of a state court files a habeas petition in a state that contains two or more federal judicial districts, the petition may be filed in either the judicial district in which the petitioner is presently confined or the judicial district in which he was convicted and sentenced. See 28 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004) (quoting Carbo v. United States, 364 U.S. 611, 618, 81 S. Ct. 338, 5 L. Ed. 2d 329 (1961)). Petitions challenging the execution of a sentence are preferably heard in the district where the inmate is confined. See Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitions challenging convictions or sentences are preferably heard in the district of conviction. See Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Section 2241 further states that a district court, “in the exercise of its discretion and in furtherance of justice[,] may transfer” the

1 habeas petition to another federal district for hearing and determination. 28 U.S.C. § 2241(d); see
2 also 28 U.S.C. § 1404(a) (court may transfer any civil action “to any other district or division
3 where it might have been brought” for convenience of parties or “in the interest of justice”).

4 Here, Petitioner appears to be challenging the order of commitment issued by the Orange
5 County Superior Court after he was found to be a sexually violent predator. Thus, the petition is
6 preferably heard “in the district court for the district within which the State court was held
7 which” committed Petitioner—that is, the Central District of California. 28 U.S.C. § 2241(d).
8 Therefore, this action will be transferred.

9 Accordingly, IT IS HEREBY ORDERED that this action is TRANSFERRED to the
10 United States District Court for the Central District of California.

11 IT IS SO ORDERED.
12

13 Dated: May 17, 2024

14 /s/ Eric P. Grogg
UNITED STATES MAGISTRATE JUDGE